

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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QUENTIN C. WARD,

Plaintiff,

v.

DR. MARY SAUVEY, JEAN LUTSEY,  
HANNAH UTTER, MARY ALSTEEN,  
and KATHY LEMONS<sup>1</sup>,

Defendants.

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ORDER

16-cv-290-jdp

On February 13, 2017, the court assessed plaintiff Quentin C. Ward an initial partial payment of \$229.33 for filing this case due by February 24, 2017. On February 27, 2017, plaintiff submitted a motion for an order specifically stating plaintiff may use his release account funds to pay the \$229.33 initial partial payment assessed for filing this case. Plaintiff says he does not have sufficient funds in his regular trust account to pay the \$229.33 initial partial payment. Plaintiff further states that he requested to use his release account funds to pay the initial payment of \$229.33, but says prison officials are requiring an order from the court directing prison officials to disburse \$229.33 from plaintiff's release account so plaintiff may pay the initial partial payment.

According to the language of 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, if sufficient funds do not exist in plaintiff's regular account to pay his initial partial payment,

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<sup>1</sup> I have amended the case caption to change the name Dr. Sauvey to Dr. Mary Sauvey; the name Nurse Uttor to Hannah Utter; the name Nurse Alston to Mary Alsteen; and the name Nurse Lemons to Kathy Lemons as indicated in the Wisconsin DOJ's Acceptance of Service.

plaintiff should be allowed to use his release account to pay some or all of the assessed amount of \$229.33.

ORDER

IT IS ORDERED that plaintiff Quentin C. Ward's motion for use of release account funds to pay the \$229.33 initial partial fee in this case is GRANTED. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$229.33 or advise the court in writing why plaintiff is not able to pay on or before March 17, 2017.

Entered this 28th day of February, 2017.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge